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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,884	06/07/2001	Toru Kuwahara	100809-16268 (SCET 18.735	7823
26304	7590	07/28/2006	EXAMINER APPLE, KIRSTEN SACHWITZ	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			ART UNIT 3693	PAPER NUMBER

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,884

Applicant(s)

KUWAHARA, TORU

Examiner

Kirsten S. Apple

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

In view of the applicants amendments to specification the objection is hereby withdrawn.

Claim Rejections - 35 USC § 101

In view of the applicants amendments the 101 rejections is hereby withdrawn.

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 1-14 under 35 USC 103.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel (U.S. Patent 6,594,640) in view of Riordan (U.S. Patent 6,078,891.)

Re claim 1, 7 & 9-14: Postrel discloses:

A system and method for operating a reward points accumulation and redemption program comprising:

a first storage means (see Postrel, Figure 5, item 10) adapted to store commodity information that includes at least a commodity name and a selling price of a commodity as an object of transaction.

a second storage means (see Postrel, Figure 5, Item 40) adapted to store information specifying combinations of two or more different commodities and adapted to store specific

parameters concerning economic return, which are applied respectively to combinations, related information and specific parameters

and third storage means (see Postrel, Figure 5, Item 30) adapted to store a general-purpose parameter concerning economic return which is applied to commodities other than combination of commodities.

It is clear that Postrel system would be capable of handling such information. The examiner would like to point that that with respect to the additional citation in the claim the currently claim language of “for” is interpreted as intended use only.

Although Postrel does not have specifically describe judging for “combinations of commodities” Riordan specifically teaches “bundle together the sale of two or more items” (See Riordan, Column 9, line 22) and it is commonly known to one of ordinary skill in the art to have marketing promotions that consist of “bundled offers.”

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add bundled offers as taught in Riordan to Postrel.

It is clear that one would be motivated because this would create unique offer that would attract shoppers.

Claim 1 is similar to claim 7 & 9-14. It would be obvious to one of ordinary skill in the art that these claim have similar limitation. Therefore, claims 7 & 9-14 are rejected based on the information provided regarding claim 1.

Re claim 2: Postrel discloses:

A system and method for operating a reward points accumulation and redemption program comprising: receiving an order request, calculation points for redemption. (see Postrel, background of invention, page 1, lines 2-10).

Although Postrel does not have specifically describe judging for “combinations of commodities” Riordan specifically teaches “bundle together the sale of two or more items” (See Riordan, Column 9, line 22) and it is commonly known to one of ordinary skill in the art to have marketing promotions that consist of “bundled offers.”

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add bundled offers as taught in Riordan to Postrel.

It is clear that one would be motivated because this would create unique offer that would attract shoppers.

Re claim 3: Postrel discloses:

A system and method for operating a reward points accumulation and redemption program receiving user information (see Postrel, Fig 5, Item 54 “user redemption profile”) and storing user points (see Postrel, Fig 5, Item 54 “user accounts”).

Additionally, the examiner would like to point that that with respect to the additional citation in the claim the currently claim language of “for” is interpreted as intended use only.

Re claim 4: Postrel discloses:

A system and method for operating a reward points accumulation and redemption program utilizes a “reward server conversion rate” (see Postrel, Fig 5, Item 54).

Re claim 5: Postrel discloses:

A system and method for operating a reward points accumulation and redemption program utilizes a “reward server conversion rate” (see Postrel, Fig 5, Item 54).

Although Postrel does not have specifically describe judging for “combinations of commodities” Riordan specifically teaches “bundle together the sale of two or more items” (See Riordan, Column 9, line 22) and it is commonly known to one of ordinary skill in the art to have marketing promotions that consist of “bundled offers.”

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add bundled offers as taught in Riordan to Postrel. It is clear that Postrel specifics “rates” more than one used for different situations. One such situation could be the “bundled sale” or “combination of commodities.”

It is clear that one would be motivated because this would create unique offer that would attract shoppers.

Re claim 6: Postrel discloses:

A system and method for operating a reward points accumulation and redemption program utilizes a “reward server conversion rate” (see Postrel, Fig 5, Item 54).

Re claim 8: Postrel discloses:

An order apparatus for operating a reward points accumulation and redemption program utilizes containing a fourth storage (see Postrel, Figure 5, “user accounts”)

It is clear that Postrel system would be capable of handling such information. The examiner would like to point that that with respect to the additional citation in the claim the currently claim language of "for" is interpreted as intended use only.

Response to Arguments

Applicant's arguments filed May 15, 2006 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st:

"Applicant request the Examiner provide citations to Postrel showing the features of the claims."

The Examiner refutes the argument made by the Applicant and draws the attention to Postrel Figure 5 depicting a system with 3 storage means.

Applicants argued 2nd, "none of the cited references disclose or suggest outputting information on combinations of commodities and specific parameters applied respectively to combinations."

The Examiner refutes the argument made by the Applicant and draws the attention to Riordan which teaches "combination of commodities" column 9, line 23-25.

Applicants argued 3rd, in claim 2 "Riordan done not disclose 'calculating first points for combinations of items and second points for other commodities'"

The Examiner refutes the argument made by the Applicant and draws the attention to Riordan which teaches "combination of commodities" column 9, line 23-25. The examiner would also like to point out that it is clearly inherent that to bundle together that one would have to calculate each.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

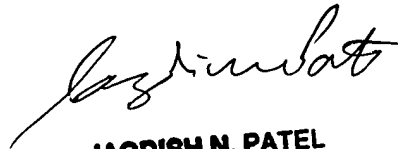
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa



JAGDISH N. PATEL
PRIMARY EXAMINER